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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,562	03/23/2001	Joseph P. Odenwalder	010208	7117
23696	7590	08/03/2004	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			WANG, TED M	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 08/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/816,562

Applicant(s)

ODENWALDER ET AL.

Examiner

Ted M Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6 and 12 is/are allowed.
- 6) ☒ Claim(s) 1,7,10,13-15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 2,3,8,9,11 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-18 are pending in the application.

#### *Specification*

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. The abstract of the disclosure is objected to because none of above mentioned (1)-(5) has been included in the abstract of the instant application. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. (US6,167,056).

- In regard claim 1, Miller et al. discloses an access channel slot sharing method with generating a first preamble channel (column 4 lines 38-67 and column 13 lines 19-43), wherein the first preamble channel carries information as to a preamble length (column 10 lines 24-64 and column 13 lines 19-43), generating a second preamble channel (column 4 lines 38-67 and column 11 line 46 – column 12 line 19), wherein the second preamble channel carries a plurality of preamble packets and the length of each of the plurality of preamble packets is carried on the first preamble channel (column 3 lines 54-67); and generating a traffic channel, wherein the plurality of preamble packets carried on the second

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preamble channel are each associated with a packet carried on the traffic channel (column 8 lines 27-63).

- In regard claim 17, which is a system claim related to claim 1, all limitation is contained in claim 1. The explanation of all the limitation is already addressed in the above paragraph.

6. Claims 7, 10, 13-15, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Odenwalder et al. (US6,101,168).

- In regard claim 7, a block encoder configured to receive a symbol and to output a plurality of symbols (Fig.3 element 312 and column 4 line 60 – column 5 line 23); a repetition element configured to receive the plurality of symbols from the block encoder and to output a sequence (Fig.3 element 316), wherein the sequence comprises a repeated pattern of the plurality of symbols (column 4 line 60 – column 5 line 23), a modulation element configured to receive the sequence and to output an in-phase component and a quadrature component (Fig.2 element 124, Fig. 3 element 124a, and column 5 lines 11-23), and a Walsh covering element for spreading the in-phase component and the quadrature component (Fig.3 element 124a and column 5 lines 11-23).
- In regard claim 10, the limitation that the modulation element performs quadrature phase-shift keying (QPSK) modulation can further be taught in column 12 lines 47-65.
- In regard claim 13, the limitation of a convolution encoder can further be taught in Fig.3 element 314 and column 5 lines 1-23. All other limitation is contained in

claim 1. The explanation of all the limitation is already addressed in the above paragraph.

- In regard claim 14, the limitation that the convolutional encoder is a tail-biting convolutional encoder can further be taught in column 5 lines 1-23.
- In regard claim 15, the limitation that the modulation element performs quadrature phase-shift keying (QPSK) modulation can further be taught in column 12 lines 47-65.
- In regard claim 18, which is a system claim related to claim 13, the limitation of a memory element; and a processing element coupled to the memory element and configured to execute an instruction set stored in the memory element can further be taught in column 13 line 25 – column 14 line 12. All other limitation is contained in claim 13. The explanation of all the limitation is already addressed in the above paragraph.

### ***Allowable Subject Matter***

7. Claims 4-6 and 12 are allowed.
8. Claims 2, 3, 8, 9, 11, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

9. Reference US6,693,951 and cdma2000 reverse link: design and system performance, *Sarkar et al.*; Vehicular Technology Conference, 2000. IEEE VTS-Fall

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VTC 2000, 52nd Volume: 6, 24-28 Sept. 2000, Pages: 2713 - 2719 vol.6, and Common-channel soft handoff in cdma2000. The paging channel, *Sarkar et al.*; Microwave Theory and Techniques, IEEE Transactions on, Volume: 48, Issue: 6, June 2000, Pages: 938 - 950 are cited because they are put pertinent to the voice and data traffic in wireless communication system. However, none of references teach detailed connection as recited in claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M Wang whose telephone number is (703) 305-0373. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Chin can be reached on (703) 305-4714. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Ted M Wang  
Examiner  
Art Unit 2634



Ted M. Wang

**SHUWANG LIU**  
**PRIMARY EXAMINER**